

VINITA DAILY CHIEFTAIN.

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FATHER ASSAULTS DAUGHTER'S SUITOR

Refuses to Furnish \$500 Bond, Preferring Jail Pending Preliminary Friday.

Neosho, Mo., Jan. 12.—On a charge of felonious assault, J. C. Sheppard, who Monday stabbed and fired at arm's length three shots at his daughter's suitor, F. W. Kirk, missing each time, will be arraigned Friday before one of the justices of the peace. Regardless of the fact that he is considered wealthy, Sheppard refuses to furnish a \$500 bond for his appearance in court, preferring to remain in jail.

Angered because Kirk persisted in clandestinely meeting his daughter in spite of Sheppard's protest, the quarrel followed when Kirk and Sheppard met on the street yesterday. The father caught Kirk around the neck with one arm, while he fired three shots at him. The suitor is alleged to have fought until he freed himself.

The belligerents were separated by those attracted by the shots. Kirk had gone but a short distance when his assailant overtook him, stabbing him with a pocket-knife.

Kirk was taken to his home. It was at first thought his wounds would prove fatal. It was reported today that Kirk will recover.

CHEROKEES RECEIVING FRACTIONAL PAYMENTS

Washington, Jan. 12.—The roll of those Indians entitled to share in the Cherokee eastern immigration monies has been completed and the court of claims Tuesday fixed Monday, January 17, as the day for final hearing of exceptions to the roll as constituted. A longer delay had been asked, but ex-Congressman Davenport of Vinita, Okla., interposed, declaring that conditions among the Cherokee Indians made it incumbent upon the court to cause as little delay as possible.

There are 30,820 Cherokees comprising the roll, of which 17,000 are residents of Oklahoma. Each will receive approximately \$130.

REFUSED TO PAY FOR TRUST BOUGHT GOODS

Guthrie, Okla., Jan. 12.—Under the anti-trust laws enacted by the Oklahoma territorial legislature in 1903, a citizen who contracts either inside or outside the state with a person or firm engaged in business in violation of this law may refuse payment on the goods purchased under the contract and the selling company will have no redress. C. L. Wagner of Kingfisher bought a carload of harvesting machinery from the Minnie Harvester company of St. Paul and as part payment gave his note for \$395, which he afterwards refused to pay, alleging that the company was in the harvester trust. He won his case in court Tuesday.

MILITIA CALLED OUT TO PROTECT THREE NEGROES.

Vienna, Ill., Jan. 12.—Three companies of the Illinois militia arrived here this morning to protect the three negroes in jail, accused of killing Allen Clark. Everything is quiet and no trouble is feared from the mob.

Miss Minnie Reed will entertain Friday in celebration of her eighteenth birthday anniversary.

WILL ATTEMPT TO PROVE HERMAN IN CONSPIRACY

By Associated Press.

Portland, Ore., Jan. 12.—Frances J. Heney, in opening the prosecution of Blinger Herman, former land commissioner, said that the government expects to prove that, in 1901, the timber speculators took advantage of the creation of the forest reserve, by securing advance information as to what school lands would be included in the reserve, and by procuring a large number of persons to apply for school land, lying within the reserve and convey it to the speculators for small sums and that Herman was in the conspiracy.

DEPOSED OFFICER DENIES CHARGES

Discharged Indian School Supervisor Says He Knows Nothing of Irrigation Stock Scheme.

McAlester, Okla., Jan. 12.—Elmo Wilkins, son of former United States district attorney of the central district of Indian Territory, succeeded Calvin Ballard as supervisor of the Indian schools of the former Choctaw nation yesterday. Charges made in Muskogee Monday, that certain of the Indian school supervisors or teachers had conducted a scheme of having teachers in their employ take stock in a western irrigation project, were denied by Ballard yesterday, speaking for himself alone.

"That is the first time I ever heard of an irrigation project," he said. "I have no stock in it. I have never tried to sell any stock in anything."

Ballard denies that any reports have been padded and that fences are down around the academies. He says there are no double beds in any of the academies and that girls are not forced to neglect school duties on Monday to do other labor.

SPECIAL SESSION WILL BE CALLED FOR JANUARY 20.

By Associated Press.

Guthrie, Okla., Jan. 12.—It was announced here today, that Governor Haskell will, not later than next Thursday, issue a call for a special session of the legislature to meet January 20. No reason for calling this extra session can be obtained today.

KANSAS DELUGED BY HEAVY DOWNPOUR.

By Associated Press.

Topeka, Kans., Jan. 12.—Kansas is deluged by a rain, which commenced last night and is continuing today. An inch and a half fall was recorded at the local weather bureau today. The snow has been melted and the small streams are rapidly rising.

"White Slave" Bill Passed.

By Associated Press.

Washington, D. C., Jan. 12.—By a viva voce vote the house today, passed the Bennett-Sabath "white slave" bill.

Government Forces Routed.

By Associated Press.

San Juan, Del Sar, Nicaragua, Jan. 12.—Rumors reached here today of a battle at Acayaps, in which the government forces were defeated by the insurgents. No details of the fighting are obtainable.

County Superintendent Shelton and about fifteen members of the various school boards of Craig county left last night, for Guthrie, where they will attend the state school officers association.

PIONEER'S CONTENTION IS SUSTAINED BY DECISION

Right to Fix Rates Does Not Lie With Government of Cities in Old Indian Territory—State Supreme Court Renders Decision in Famous Hartshorne Case That is Considered Final—Justice Williams Dissents from Opinion.

Guthrie, Okla., Jan. 12.—The state supreme court yesterday rendered a decision in the now famous "Hartshorne" case, which is regarded by eminent jurists as confirming the contention of the Pioneer Telephone & Telegraph company. Viz: That the right to name schedules of rates and telephone dues does not lie with the governing bodies of the cities served.

This decision of the highest court in the land is of more than passing interest as all of the cities of the state where exchanges are maintained are affected by it and especially those cities of the eastern districts where the telephone company has been contending since the time of territorial rule for the right to fix its own rates, subject only to the limitations imposed by the courts on the state corporation commission.

But one of the members of the supreme court dissented from the opinion handed down, that one being Justice Williams, and the decision is generally regarded by lawyers conversant with the contention involved as being final.

The syllabus of the decision, or text of the finding, is as follows:

"In the supreme court of the state of Oklahoma, the South McAlester-Eufaula Telephone company, a corporation, plaintiff in error, vs. State of Oklahoma ex rel., Baker-Reidt company, a corporation et al., defendants in error.

"Syllabus of the Court:

"First. Authority on the part of an incorporated city or town to grant

to any person natural or artificial a right to erect telephone or telegraph poles in the public street can only be derived from the supreme legislature by the express grant or by necessary implication from powers especially granted.

"Second: Telephone companies doing business in the Indian Territory prior to statehood obtained their authority to construct their lines along and over the streets and public ways of the incorporated cities and towns therein by virtue of section 3, of the act of congress approved March 3, 1901, thirty one statutes at large, page 1083, and the rules and regulations of the secretary of the interior, promulgated thereunder.

"Third. Under that part of section three, supra, which provides: that incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein; said cities and towns were not granted the power to fix rates for telephone charges by ordinance or to exclude telephone lines from the use of their streets up to compliance with said section three, supra and said rules and regulations of the secretary of the interior where such power is attempted to be exercised by the passage of an ordinance including such provision the telephone company will not be required to adhere to them by court by a mandamus.

"Opinion, Kane, chief justice; Dunn, James and Turner, J. J., concurring; William J., dissenting."

Dwight Breaks Custom in Vogue for Fifty Years

Washington, Jan. 12.—An ancient custom of the house of representatives which has been in use for fifty years, was overturned yesterday by Representative Dwight of New York, the republican whip, when he instructed the pair clerks at the speaker's desk to cease pairing republican members excepting under prescribed conditions. The move is declared by democrats and insurgents to be a move against the latter, and intended to give the organization additional leverage when close votes occur.

Representative Garner of Texas, the temporary democratic whip, stated Dwight had instructed the pair clerks to make no pairs excepting on Dwight's denials, but the upshot of the matter was that Garner invoked as a counter move a long-buried and hitherto unobserved rule of the house, and members hereafter will be required to make their pairs in writing at the speaker's desk.

For a score of years or more it has been the house custom to allow pairs at any time without question. The almost forgotten rule of the house on the subject requires that two members, desiring to be paired, must announce such intention at the speaker's desk. Representative Garner, in order to counteract the move of Dwight, gave instruction to the democratic pair clerk that no pairs were to be allowed at the desk excepting in strict accordance with this rule on the subject.

Under the order attributed to Dwight, he would be able to control the voting of absentees of those desiring to be paired, which, it was pointed out, would not work to the advantage of the house insurgents, since the republican whip is working in harmony with the regulars.

The move of the democrats, if successful, may result in greatly limiting the proposition of pairing as well as perhaps nullifying the effort of the

republican regulars to embarrass the insurgents. It would also, no doubt, aid any insurgent who might be laboring under official displeasure and discrimination by enabling him to arrange a pair by going to the speaker's desk.

Representative Garner pointed out that his move would result in increasing the attendance of the house, as those members who were frequently absent, and counted always as paired, would be compelled to attend and arrange their pairs in order to have them show in the record.

No caucus of the house republicans on the Ballinger-Pinchot committee has been called, according to the statement of Representative Currie of New Hampshire, chairman of the caucus. One may issue at any time, however, and the insurgents may or may not be bidden to take part in it.

The democrats probably will caucus on the subject the latter part of the week.

"The Little Homestead."

"Lost!" a woman's good name, a husband's honor and the place of a happy home through one man's perfidy. How it all happened is told in the story of "The Little Homestead," at the Auditorium tonight, William Macauley, an actor of excellent ability, is at the head of the company.

Forfeits Bar to State.

In the suit of H. E. Ridenhour vs. Otis Tittle for the forfeiture to the state for bar fixtures in the Red Feather, where it is charged the prohibition laws were violated, that was heard before Justice Foster Monday, the sheriff was given a judgment for the bar, and it was removed to the county jail.

R. A. Atkinson is here from Claremore to attend the funeral of his niece, Elizabeth Williams.

GRAND JURY WILL GO AFTER MEN HIGHER UP

By Associated Press.

Washington, D. C., Jan. 12.—With the swearing in, today, of the new federal grand jury, came the prospect of further developments, possibly of a sensational nature, in connection with the sugar underweighing frauds. It is expected the new body will endeavor to place the responsibility for the frauds upon the shoulders of some of the men, higher than the humble checkers, now serving terms in the penitentiary.

REFUSED TO CONCUR IN SENATE AMENDMENTS

By Associated Press.

Washington, D. C., Jan. 12.—The house today, refused to concur in the senate amendments to the co-called "Pinchot-Ballinger" resolution and decided to ask for a conference. The speaker named the following conferees: Dalzell, of Pennsylvania; Smith of Iowa, and Fitzgerald of New York.

Back to Philadelphia.

By Associated Press.

Chicago, Ill., Jan. 12.—Roberta Depanon returned to Philadelphia this afternoon, in charge of detectives. Cohen, the waiter returned on the same train. The detectives succeeded in regaining most of the jewelry Roberta pawned in Chicago.

Interscholastic Track and Field Meet.

The seventh annual interscholastic track and field meet for the high schools of Oklahoma will be held on Boyd field at Oklahoma university on April 22nd, 1910. The purpose of this is to bring the high school students in closer touch with the university, afford them the chance to see the advantages of a higher education and induce them if possible to come to the university when they have finished their high school courses. The interest in this meet has increased annually and thousands of people gather on this occasion to witness the boys from the various schools compete for athletic honors.

Will Refund Expenses.

It having become necessary on account of the prohibitive weather to postpone the Southern Heights town lot sale which was to have taken place at Sapulpa on the 4th and 5th instant until January 14th and 15th, it has been announced by Mr. Wells that he will refund to purchasers of lots who visited Sapulpa on the dates advertised for the first sale; not only their fare to Sapulpa on the occasion of their second visit but the first as well. This action on the part of the Southern Heights people will be appreciated, particularly by those who visited Sapulpa with the intention of attending the first sale.

RESOLUTION TO CHANGE DAY OF INAUGURATION

Washington, Jan. 12.—The passing of the historic 4th of March as a presidential inauguration day, and the fixing of the fourth Thursday of April in its place, is provided for in a resolution ordered favorably reported by the house committee on the judiciary today.

The resolution, action on which was unanimous, directs that hereafter the terms of the president, vice president, United States senators and representatives in congress shall begin on the first Thursday of April. This change is not to apply to the members of congress until their present terms expire.

The action of the committee follows a general outcry against the holdings of inauguration ceremonies in Washington at a time when inclement weather has been the rule.

Tulsa Pioneer Dead.

Tulsa, Okla., Jan. 12.—George W. Mowbray, one of the pioneer settlers of Tulsa, passed away this morning at one o'clock at his home here, from a complication of diseases with which he had been suffering for two weeks. The immediate family was at the bedside when death came.

Mrs. James Campbell, nee Lena Wacaser, is here from Pryor Creek, visiting friends.

BOARD CONSIDERS RECENT GYRATIONS

At Least Three Prominent Brokerage Firms Will Be Severely Disciplined.

By Associated Press.

New York, N. Y., Jan. 1.—The board of governors of the New York Stock Exchange in session today, considering the report of the committee appointed to investigate the recent gyrations in Rock Island common stock. It is doubtful whether the board will reach a decision today. Well informed brokers declare that at least three well known brokerage houses will be severely disciplined. The governors seem to have discovered evidence of a long and well sustained movement in Rock Island stock, antedating the sensational movement of last month.

Board Unconstitutional.

Guthrie, Okla., Jan. 12.—The act of the first Oklahoma legislature creating the board of pardons composed of the auditor, state superintendent and the president of the board of agriculture, is held unconstitutional in an opinion by Justice Doyle, of the criminal court of appeals handed down yesterday afternoon.

The opinion is in the case of Wm. Ridley, who applied for a writ of habeas corpus.

BARNARD'S STATEMENT OF ASYLUM CONDITION

Guthrie, Okla., Jan. 12.—Miss Kate Barnard, commissioner of charities corrections, has issued the following statement, taken from records furnished by the asylum authorities, showing movement and numbers of patients at the Norman insane asylum for the year 1909: Patients released as "restored," 94; died, 88; discharged as "improved," 48; discharged as "unimproved," 9; paroled, 71; escaped, 15; discharged by order of county judges, 5; discharged by order of relatives, 5; discharged to be removed from state, 3.

Number of patients on hand January 1, 1909, 431; received during January, 1909, 46; February, 40; March, 41; April, 36; May, 57; June, 38; July 44; August, 48; September, 37; October, 52; November, 50; December, 44; total, 964. Less removals, deaths, etc., now on hand are 628.

Hereditary insanity is given as the cause of insanity of those treated during the year to the number of 210; ill health, 117; syphilis, 29; leprosy, 29; old age, 76; overwork, 17; drugs, 23; child birth, 8; mental worry, 30; privation, 13; injury to brain, 6; idiots, 24; imbeciles, 38; unknown and unclassified, 165; epilepsy, 91; criminally insane, 11; sunstroke, 3; pellagra, 2; self abuse, 4.

The deaths during the year are attributed to the following causes: Old age, 13; paralysis, 8; general debility, 6; exhaustion, 7; epilepsy, 10; acute insanity, with complications, 2; heart disease, 5; congenital debility, 2; paresis, 3; brain hemorrhage, 2; disease of heart and kidneys, 3; disease of digestive organs, 2; suicide, 1; pellagra, 2; cerebritis, 2; pneumonia, blood poisoning, tuberculosis, uremia, complications, brain softening, kidneys, and in addition, one each.

MISSISSIPPI ASSUMES THREATENING ASPECT

By Associated Press.

St. Louis, Mo., Jan. 12.—Rain today in Missouri and northern points caused the Mississippi to assume a threatening aspect. The weather bureau issued a warning to river men. The Mississippi is gorged with ice from Chester, Ill., to this city and the additional precipitation and melting snow will cause the river to rise. The river gauge this morning stood at 91.9, a rise of seven-tenths in twenty-four hours.

The rehearsal for St. John's choir will be postponed from Friday to Saturday evening at 7:30 in the church. Mr. S. H. Glassmire will be present.

Rowe Cromwell, of Afton, spent last night in this city.

.. MILFORD - BERGER ..
SHOE COMPANY

WARM FOOTWEAR

Overshoes, Leggings,

Spats of all colors,

Caps, Gloves, Underwear